

Voelker, Andrea

From: Mark Moore [MMoore@rpl-law.com]
Sent: Thursday, September 09, 2010 8:46 PM
To: Tanck, Paul; John Dawson; Mitchell Feller; Jonathan Sobel; John Dawson; Atul Singh
Cc: Balber, Scott; Voelker, Andrea; Fish, Charles M.; Schwinger, Robert A.; Heidi Reavis; Carlos Fraticelli; Lawrence Brocchini
Subject: RE: FIS v. Debtdomain - Deposition

Dear Paul:

As stated in my previous e-mails to you, defendants are not entitled to two new depositions of Mr. Elkayam. (In any event, he is not returning to the office until September 13, so the day does not work.) We have offered to make him available on September 15, a date to which you had previously agreed. Please confirm a start time of 9:30 September 15 for that day.

Sincerely,

Mark

Mark H. Moore, Esq.

REAVIS PARENT LEHRER LLP

41 Madison Avenue
41st Floor
New York, NY 10010

212-763-4100 - General
212-763-4180 - Direct
212-763-4141 - Fax
mmoore@rpl-law.com

Other Attorney Locations:
Los Angeles and San Francisco

Please visit us at:
www.rpl-law.com

This communication is subject to attorney-client privilege and contains confidential information intended only for the individual or entity named above. If you are not the intended recipient, or the employee or agent responsible for delivery to the intended recipient, you are hereby notified that any review, distribution or copying of this communication is strictly prohibited. Kindly advise us if you received this communication in error so we may redeliver it to the intended recipient. Thank you.

From: Tanck, Paul [mailto:PTanck@chadbourn.com]
Sent: Wednesday, September 08, 2010 12:37 PM
To: Tanck, Paul; Mark Moore; John Dawson; Mitchell Feller; Jonathan Sobel; John Dawson; Atul Singh
Cc: Balber, Scott; Voelker, Andrea; Fish, Charles M.; Schwinger, Robert A.; Heidi Reavis; Carlos Fraticelli; Lawrence Brocchini

9/17/2010

Subject: RE: FIS v. DebtDomain - Deposition

Mark,

Please note that we will start the 30b6 deposition at 9:30 am on Monday.

You had previously indicated that Ariel Elkayam would serve as FIS' witness on the Rule 30(b)(6) topics. Please confirm that Elkayam will be the deponent on Monday and please also provide the names of individuals attending the deposition for the building security list.

Regards,

Paul

Paul J. Tanck
Chadbourne & Parke LLP
30 Rockefeller Plaza, New York, NY 10112
tel 212-408-1116 | fax 646-710-1116
ptanck@chadbourne.com | <http://www.chadbourne.com>
vCard: <http://www.chadbourne.com/vcard/ptanck.vcf>

Please consider the environment before printing this email.

From: Tanck, Paul
Sent: Wednesday, August 18, 2010 6:22 PM
To: 'Mark Moore'; John Dawson; Mitchell Feller; Jonathan Sobel; John Dawson; Atul Singh
Cc: Balber, Scott; Voelker, Andrea; Fish, Charles M.; Schwinger, Robert A.; Heidi Reavis; Carlos Fraticelli; Lawrence Brocchini; Tanck, Paul
Subject: RE: FIS v. DebtDomain - Deposition

Mark,

Per the Court's Order which directed that "there will be an examination of Mr. Elkayam and a 30(b)(6) witness", please see the attached notices of deposition.

Regards,

Paul

Paul J. Tanck
Chadbourne & Parke LLP
30 Rockefeller Plaza, New York, NY 10112
tel 212-408-1116 | fax 646-710-1116
ptanck@chadbourne.com | <http://www.chadbourne.com>
vCard: <http://www.chadbourne.com/vcard/ptanck.vcf>

Please consider the environment before printing this email.

From: Mark Moore [mailto:MMoore@rpl-law.com]
Sent: Monday, August 16, 2010 12:26 PM
To: Tanck, Paul; John Dawson; Mitchell Feller; Jonathan Sobel; John Dawson; Atul Singh
Cc: Balber, Scott; Voelker, Andrea; Fish, Charles M.; Schwinger, Robert A.; Heidi Reavis; Carlos Fraticelli; Lawrence Brocchini

9/17/2010

Subject: RE: FIS v. DebtDomain - Deposition

Dear Paul:

It was you who requested a meet and confer on the issue of Mr. Elkayam's deposition. You advised me that August 23, or the alternative dates of August 24, 25 or 26, would not work for you because of vacation or travel schedules, and asked me to find alternatives. I advised you that Mr. Elkayam would be out of town through approximately September 8, and that I would check for the next few days after that, keeping in mind that Rosh Hashanah is September 9-10. (He is in fact travelling out of the country from August 27 through September 12.) At no time during our meet and confer did you insist on having two days.

I followed up with our meet and confer by offering the next available date, of September 15. We will not be providing a second date, for the reasons set forth in my August 13 e-mail.

Sincerely,

Mark

Mark H. Moore, Esq.

REAVIS PARENT LEHRER LLP

41 Madison Avenue
41st Floor
New York, NY 10010

212-763-4100 - General
212-763-4180 - Direct
212-763-4141 - Fax
mmoore@rpl-law.com

Other Attorney Locations:
Los Angeles and San Francisco

Please visit us at:
www.rpl-law.com

This communication is subject to attorney-client privilege and contains confidential information intended only for the individual or entity named above. If you are not the intended recipient, or the employee or agent responsible for delivery to the intended recipient, you are hereby notified that any review, distribution or copying of this communication is strictly prohibited. Kindly advise us if you received this communication in error so we may redeliver it to the intended recipient. Thank you.

From: Tanck, Paul [mailto:PTanck@chadbourn.com]

Sent: Friday, August 13, 2010 4:11 PM

To: Mark Moore; John Dawson; Mitchell Feller; Jonathan Sobel; John Dawson; Atul Singh

Cc: Balber, Scott; Voelker, Andrea; Fish, Charles M.; Schwinger, Robert A.; Heidi Reavis; Carlos Fraticelli; Tanck, Paul

Subject: RE: FIS v. DebtDomain - Deposition

Mark,

9/17/2010

Your assumption was incorrect. The Court has ordered two depositions and we still intend to take both. Therefore, please provide all of the dates Mr. Elkayam is available between August 27 and September 20. For each date that Mr. Elkayam is not available please explain the reason.

Please provide the above information by noon on Monday so we can notice Mr. Elkayam's deposition and Fidelity's 30(b)(6) deposition.

Regards,

Paul

Paul J. Tanck
Chadbourn & Parke LLP
30 Rockefeller Plaza, New York, NY 10112
tel 212-408-1116 | **fax** 646-710-1116
ptanck@chadbourn.com | <http://www.chadbourn.com>
vCard: <http://www.chadbourn.com/vcard/ptanck.vcf>

Please consider the environment before printing this email.

From: Mark Moore [mailto:MMoore@rpl-law.com]
Sent: Friday, August 13, 2010 3:41 PM
To: Tanck, Paul; John Dawson; Mitchell Feller; Jonathan Sobel; John Dawson; Atul Singh
Cc: Balber, Scott; Voelker, Andrea; Fish, Charles M.; Schwinger, Robert A.; Heidi Reavis; Carlos Fraticelli
Subject: RE: FIS v. DebtDomain - Deposition

Dear Paul:

You did not say anything about two days in our meet and confer, so I assume you had dropped that particular argument.

Given that you have already deposed Kaivan Rahbari for some four hours on Rule 30(b)(6) issues, and given that many of the topics on your notice of June 3 were previously covered by your prior deposition of Mr. Elkayam, we would oppose setting two full days for him.

He advises me that he is available September 15. Does that work for you?

Sincerely,

Mark

Mark H. Moore, Esq.

REAVIS PARENT LEHRER LLP
41 Madison Avenue
41st Floor
New York, NY 10010

212-763-4100 - General
212-763-4180 - Direct
212-763-4141 - Fax
mmoore@rpl-law.com

Other Attorney Locations:
Los Angeles and San Francisco

Please visit us at:
www.rpl-law.com

This communication is subject to attorney-client privilege and contains confidential information intended only for the individual or entity named above. If you are not the intended recipient, or the employee or agent responsible for delivery to the intended recipient, you are hereby notified that any review, distribution or copying of this communication is strictly prohibited. Kindly advise us if you received this communication in error so we may redeliver it to the intended recipient. Thank you.

From: Tanck, Paul [mailto:PTanck@chadbourn.com]
Sent: Friday, August 13, 2010 3:29 PM
To: Mark Moore; John Dawson; Mitchell Feller; Jonathan Sobel; John Dawson; Atul Singh
Cc: Balber, Scott; Voelker, Andrea; Fish, Charles M.; Schwinger, Robert A.; Heidi Reavis; Carlos Fraticelli; Tanck, Paul
Subject: RE: FIS v. DebtDomain - Deposition

Mark,

In determining availability dates for Mr. Elkayam, please note that we will need two separate dates, one for Elkayam individually and one for Fidelity 30b6.

Regards,

Paul

Paul J. Tanck
Chadbourn & Parke LLP
30 Rockefeller Plaza, New York, NY 10112
tel 212-408-1116 | **fax** 646-710-1116
ptanck@chadbourn.com | <http://www.chadbourn.com>
vCard: <http://www.chadbourn.com/vcard/ptanck.vcf>

Please consider the environment before printing this email.

From: Mark Moore [mailto:MMoore@rpl-law.com]
Sent: Friday, August 13, 2010 2:17 PM
To: Tanck, Paul; John Dawson; Mitchell Feller; Jonathan Sobel; John Dawson; Atul Singh
Cc: Balber, Scott; Voelker, Andrea; Fish, Charles M.; Schwinger, Robert A.; Heidi Reavis; Carlos Fraticelli
Subject: RE: FIS v. DebtDomain - Deposition

Dear Paul:

You advised me that August 23-26 would not work for you because of vacation or travel schedules, and asked me to find alternatives. I advised you that Mr. Elkayam would be

9/17/2010

out of town through approximately September 8, and that I would check for the next few days after that, keeping in mind that Rosh Hashanah is September 9-10.

I will let you know more when I speak with Mr. Elkayam.

Sincerely,

Mark

Mark H. Moore, Esq.

REAVIS PARENT LEHRER LLP

41 Madison Avenue
41st Floor
New York, NY 10010

212-763-4100 - General
212-763-4180 - Direct
212-763-4141 - Fax
mmoore@rpl-law.com

Other Attorney Locations:
Los Angeles and San Francisco

Please visit us at:
www.rpl-law.com

This communication is subject to attorney-client privilege and contains confidential information intended only for the individual or entity named above. If you are not the intended recipient, or the employee or agent responsible for delivery to the intended recipient, you are hereby notified that any review, distribution or copying of this communication is strictly prohibited. Kindly advise us if you received this communication in error so we may redeliver it to the intended recipient. Thank you.

From: Tanck, Paul [mailto:PTanck@chadbourn.com]

Sent: Friday, August 13, 2010 12:25 PM

To: Mark Moore; John Dawson; Mitchell Feller; Jonathan Sobel; John Dawson; Atul Singh

Cc: Balber, Scott; Voelker, Andrea; Fish, Charles M.; Schwinger, Robert A.; Heidi Reavis; Carlos Fraticelli

Subject: RE: FIS v. DebtDomain - Deposition

We will call you then.

Thanks.

Paul J. Tanck
Chadbourn & Parke LLP
30 Rockefeller Plaza, New York, NY 10112
tel 212-408-1116 | fax 646-710-1116
ptanck@chadbourn.com | <http://www.chadbourn.com>
vCard: <http://www.chadbourn.com/vcard/ptanck.vcf>

9/17/2010

Please consider the environment before printing this email.

From: Mark Moore [mailto:MMoore@rpl-law.com]
Sent: Friday, August 13, 2010 12:18 PM
To: Tanck, Paul; John Dawson; Mitchell Feller; Jonathan Sobel; John Dawson; Atul Singh
Cc: Balber, Scott; Voelker, Andrea; Fish, Charles M.; Schwinger, Robert A.; Heidi Reavis; Carlos Fraticelli
Subject: RE: FIS v. DebtDomain - Deposition

2 pm is fine.

Mark

Mark H. Moore, Esq.

REAVIS PARENT LEHRER LLP

41 Madison Avenue
41st Floor
New York, NY 10010

212-763-4100 - General
212-763-4180 - Direct
212-763-4141 - Fax
mmoore@rpl-law.com

Other Attorney Locations:
Los Angeles and San Francisco

Please visit us at:
www.rpl-law.com

This communication is subject to attorney-client privilege and contains confidential information intended only for the individual or entity named above. If you are not the intended recipient, or the employee or agent responsible for delivery to the intended recipient, you are hereby notified that any review, distribution or copying of this communication is strictly prohibited. Kindly advise us if you received this communication in error so we may redeliver it to the intended recipient. Thank you.

From: Tanck, Paul [mailto:PTanck@chadbourne.com]
Sent: Friday, August 13, 2010 12:01 PM
To: Tanck, Paul; Mark Moore; John Dawson; Mitchell Feller; Jonathan Sobel; John Dawson; Atul Singh
Cc: Balber, Scott; Voelker, Andrea; Fish, Charles M.; Schwinger, Robert A.; Heidi Reavis; Carlos Fraticelli; Tanck, Paul
Subject: RE: FIS v. DebtDomain - Deposition

Mark,

9/17/2010

We are available for a call at 1pm, 2pm or 4pm.

Please let us know if any of those times work.

Otherwise, kindly provide all of the dates Mr. Elkayam is available for deposition. between August 16 through September 8 by 4pm today.

Regards,

Paul

Paul J. Tanck
Chadbourn & Parke LLP
30 Rockefeller Plaza, New York, NY 10112
tel 212-408-1116 | **fax** 646-710-1116
ptanck@chadbourn.com | <http://www.chadbourn.com>
vCard: <http://www.chadbourn.com/vcard/ptanck.vcf>

Please consider the environment before printing this email.

From: Tanck, Paul
Sent: Friday, August 13, 2010 11:23 AM
To: 'Mark Moore'; John Dawson; Mitchell Feller; Jonathan Sobel; John Dawson; Atul Singh
Cc: Balber, Scott; Voelker, Andrea; Fish, Charles M.; Schwinger, Robert A.; Heidi Reavis; Carlos Fraticelli
Subject: RE: FIS v. DebtDomain - Deposition

Mark,

Scott is unavailable at 11:30. I will get back to you with a time this afternoon that hopefully works for all of us.

Regards,

Paul

Paul J. Tanck
Chadbourn & Parke LLP
30 Rockefeller Plaza, New York, NY 10112
tel 212-408-1116 | **fax** 646-710-1116
ptanck@chadbourn.com | <http://www.chadbourn.com>
vCard: <http://www.chadbourn.com/vcard/ptanck.vcf>

Please consider the environment before printing this email.

From: Mark Moore [<mailto:MMoore@rpl-law.com>]
Sent: Friday, August 13, 2010 10:44 AM
To: Tanck, Paul; John Dawson; Mitchell Feller; Jonathan Sobel; John Dawson; Atul Singh
Cc: Balber, Scott; Voelker, Andrea; Fish, Charles M.; Schwinger, Robert A.; Heidi Reavis; Carlos Fraticelli

9/17/2010

Subject: RE: FIS v. DebtDomain - Deposition

Dear Paul:

I am available to confer now, or at 11:30 if that is more convenient.

Sincerely,

Mark

Mark H. Moore, Esq.

REAVIS PARENT LEHRER LLP

41 Madison Avenue
41st Floor
New York, NY 10010

212-763-4100 - General
212-763-4180 - Direct
212-763-4141 - Fax
mmoore@rpl-law.com

Other Attorney Locations:
Los Angeles and San Francisco

Please visit us at:
www.rpl-law.com

This communication is subject to attorney-client privilege and contains confidential information intended only for the individual or entity named above. If you are not the intended recipient, or the employee or agent responsible for delivery to the intended recipient, you are hereby notified that any review, distribution or copying of this communication is strictly prohibited. Kindly advise us if you received this communication in error so we may redeliver it to the intended recipient. Thank you.

From: Tanck, Paul [mailto:PTanck@chadbourne.com]
Sent: Thursday, August 12, 2010 5:21 PM
To: Mark Moore; John Dawson; Mitchell Feller; Jonathan Sobel; John Dawson; Atul Singh
Cc: Balber, Scott; Voelker, Andrea; Fish, Charles M.; Schwinger, Robert A.; Heidi Reavis; Carlos Fraticelli; Tanck, Paul
Subject: RE: FIS v. DebtDomain - Deposition

Mark,

Please provide a time before 4 pm tomorrow when you are available to meet and confer telephonically regarding dates for Mr. Elkayam's individual and 30(b)(6) deposition.

Please be prepared to provide dates other than August 23 that Mr. Elkayam is available for deposition. Please also note that

9/17/2010

because the Court has ordered both a deposition of Elkayam and Plaintiff 30(b)(6), we will need to schedule separate dates for each deposition.

Regards,

Paul

Paul J. Tanck
Chadbourn & Parke LLP
30 Rockefeller Plaza, New York, NY 10112
tel 212-408-1116 | **fax** 646-710-1116
ptanck@chadbourn.com | <http://www.chadbourn.com>
vCard: <http://www.chadbourn.com/vcard/ptanck.vcf>

Please consider the environment before printing this email.

From: Mark Moore [<mailto:MMoore@rpl-law.com>]
Sent: Thursday, August 12, 2010 5:00 PM
To: Tanck, Paul; John Dawson; Mitchell Feller; Jonathan Sobel; John Dawson; Atul Singh
Cc: Balber, Scott; Voelker, Andrea; Fish, Charles M.; Schwinger, Robert A.; Heidi Reavis; Carlos Fraticelli
Subject: RE: FIS v. Debtdomain - Deposition

Dear Paul:

Mr. Elkayam is available on August 23. He will also serve as FIS' witness on the remaining Rule 30(b)(6) topics.

Sincerely,

Mark

Mark H. Moore, Esq.

REAVIS PARENT LEHRER LLP
41 Madison Avenue
41st Floor
New York, NY 10010

212-763-4100 - General
212-763-4180 - Direct
212-763-4141 - Fax
mmoore@rpl-law.com

Other Attorney Locations:
Los Angeles and San Francisco

Please visit us at:
www.rpl-law.com

9/17/2010

This communication is subject to attorney-client privilege and contains confidential information intended only for the individual or entity named above. If you are not the intended recipient, or the employee or agent responsible for delivery to the intended recipient, you are hereby notified that any review, distribution or copying of this communication is strictly prohibited. Kindly advise us if you received this communication in error so we may redeliver it to the intended recipient. Thank you.

From: Tanck, Paul [mailto:PTanck@chadbourn.com]
Sent: Wednesday, August 11, 2010 3:27 PM
To: Tanck, Paul; Mark Moore; John Dawson; Mitchell Feller; Jonathan Sobel; John Dawson; Atul Singh
Cc: Balber, Scott; Voelker, Andrea; Fish, Charles M.; Schwinger, Robert A.
Subject: RE: FIS v. DebtDomain - Deposition

Mark,

We are still waiting for the information requested below.
Please let us know by close of business tomorrow.

Regards,

Paul

Paul J. Tanck
Chadbourn & Parke LLP
30 Rockefeller Plaza, New York, NY 10112
tel 212-408-1116 | **fax** 646-710-1116
ptanck@chadbourn.com | <http://www.chadbourn.com>
vCard: <http://www.chadbourn.com/vcard/ptanck.vcf>

Please consider the environment before printing this email.

From: Tanck, Paul
Sent: Thursday, August 05, 2010 5:11 PM
To: Mark Moore; John Dawson; Mitchell Feller; Jonathan Sobel; John Dawson; Atul Singh
Cc: Tanck, Paul; Balber, Scott; Voelker, Andrea; Fish, Charles M.
Subject: FIS v. DebtDomain - Deposition

Mark,

Pursuant to the Court's July 28, 2010 Order that there be an examination of Mr. Elkayam and Plaintiff's 30 (b)(6) witness, please (1) provide the dates that Mr. Elkayam is available for deposition and (2) provide the name of Plaintiff's 30(b)(6) witness and the date he/she is available for deposition.

Regards,

Paul

Paul J. Tanck
Chadbourn & Parke LLP
30 Rockefeller Plaza, New York, NY 10112
tel 212-408-1116 | fax 646-710-1116
ptanck@chadbourn.com | <http://www.chadbourn.com>
vCard: <http://www.chadbourn.com/vcard/ptanck.vcf>

Please consider the environment before printing this email.

This e-mail, and any attachments thereto, is intended only for use by the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this e-mail, you are hereby notified that any dissemination, distribution or copying of this e-mail, and any attachments thereto, is strictly prohibited. If you have received this e-mail in error, please notify me by replying to this message and permanently delete the original and any copy of this e-mail and any printout thereof.

For additional information about Chadbourn & Parke LLP and Chadbourn & Parke, a multinational partnership, including a list of attorneys, please see our website at <http://www.chadbourn.com>

This e-mail, and any attachments thereto, is intended only for use by the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this e-mail, you are hereby notified that any dissemination, distribution or copying of this e-mail, and any attachments thereto, is strictly prohibited. If you have received this e-mail in error, please notify me by replying to this message and permanently delete the original and any copy of this e-mail and any printout thereof.

For additional information about Chadbourn & Parke LLP and Chadbourn & Parke, a multinational partnership, including a list of attorneys, please see our website at <http://www.chadbourn.com>

This e-mail, and any attachments thereto, is intended only for use by the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this e-mail, you are hereby notified that any dissemination, distribution or copying of this e-mail, and any attachments thereto, is strictly prohibited. If you have received this e-mail in error, please notify me by replying to this message and permanently delete the original and any copy of this e-mail and any printout thereof.

For additional information about Chadbourn & Parke LLP and Chadbourn & Parke, a multinational partnership, including a list of attorneys, please see our website at <http://www.chadbourn.com>

This e-mail, and any attachments thereto, is intended only for use by the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this e-mail, you are hereby notified that any dissemination, distribution or copying of this e-mail, and any attachments thereto, is strictly prohibited. If you have received this e-mail in error, please notify me by replying to this message and permanently delete the original and any copy of this e-mail and any printout thereof.

For additional information about Chadbourn & Parke LLP and Chadbourn & Parke, a multinational partnership,

9/17/2010

including a list of attorneys, please see our website at <http://www.chadbourne.com>

This e-mail, and any attachments thereto, is intended only for use by the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this e-mail, you are hereby notified that any dissemination, distribution or copying of this e-mail, and any attachments thereto, is strictly prohibited. If you have received this e-mail in error, please notify me by replying to this message and permanently delete the original and any copy of this e-mail and any printout thereof.

For additional information about Chadbourne & Parke LLP and Chadbourne & Parke, a multinational partnership, including a list of attorneys, please see our website at <http://www.chadbourne.com>

This e-mail, and any attachments thereto, is intended only for use by the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this e-mail, you are hereby notified that any dissemination, distribution or copying of this e-mail, and any attachments thereto, is strictly prohibited. If you have received this e-mail in error, please notify me by replying to this message and permanently delete the original and any copy of this e-mail and any printout thereof.

For additional information about Chadbourne & Parke LLP and Chadbourne & Parke, a multinational partnership, including a list of attorneys, please see our website at <http://www.chadbourne.com>

This e-mail, and any attachments thereto, is intended only for use by the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this e-mail, you are hereby notified that any dissemination, distribution or copying of this e-mail, and any attachments thereto, is strictly prohibited. If you have received this e-mail in error, please notify me by replying to this message and permanently delete the original and any copy of this e-mail and any printout thereof.

For additional information about Chadbourne & Parke LLP and Chadbourne & Parke, a multinational partnership, including a list of attorneys, please see our website at <http://www.chadbourne.com>

9/17/2010